

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SABYN KURISKY

Plaintiff,

v.

MICHAEL J. ASTRUE, *et al.*,

Defendants.

3:09-CV-00009-RCJ(RAM)

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge (#22) ("Recommendation") entered on May 4, 2010. This action was referred to U.S. Magistrate Robert A. McQuaid, pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. After a thorough review, the Magistrate Judge recommends that this Court enter an order denying Plaintiff's Motion for Reversal of the Commissioner's Decision (#15) Defendants' Motion to Dismiss (#15) and grant Defendant's Cross-Motion to Affirm Commissioner's Decision (#18). No objection to the Report and Recommendation has been filed.

**I. Discussion**

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those portions of the [report

1 and recommendation] to which objection is made.”<sup>1</sup> Nevertheless, the statute does not  
 2 “require[ ] some lesser review by [this Court] when no objections are filed.” Thomas v. Arn,  
 3 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not required to conduct  
 4 “any review at all . . . of any issue that is not the subject of an objection.” Id. at 149. Similarly,  
 5 the Ninth Circuit has recognized that a district court is not required to review a magistrate  
 6 judge’s report and recommendation where no objections have been filed. See United States  
 7 v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed  
 8 by the district court when reviewing a report and recommendation to which no objections were  
 9 made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading  
 10 the Ninth Circuit’s decision in Reyna-Tapia as adopting the view that district courts are not  
 11 required to review “any issue that is not the subject of an objection.”). Thus, if there is no  
 12 objection to a magistrate judge’s recommendation, then this Court may accept the  
 13 recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting,  
 14 without review, a magistrate judge’s recommendation to which no objection was filed).

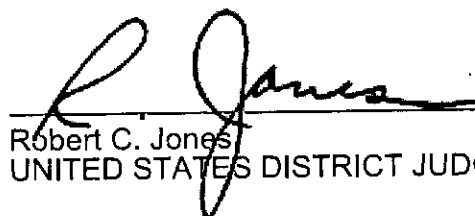
15 In this case, plaintiff has not filed an objection to the Magistrate Judge’s Report and  
 16 Recommendation. Although no objection was filed, this Court has reviewed the Report and  
 17 Recommendation (#22), and accepts it. Accordingly,

18 IT IS HEREBY ORDERED that Plaintiff’s Motion for Reversal of the Commissioner’s  
 19 Decision (#15) is DENIED.

20 IT IS FURTHER ORDERED that Defendant’s Cross-Motion to Affirm Commissioner’s  
 21 Decision (#18) is GRANTED and the decision of the ALJ is AFFIRMED.

22 IT IS SO ORDERED.

23 DATED: This 3 day of August, 2010.

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 27 Robert C. Jones  
 UNITED STATES DISTRICT JUDGE  
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<sup>1</sup> For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1)(C).